

**THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
NEWARK VICINAGE**

RAMON REYES,

Plaintiff,

v.

KEITH MACHINERY CORP., et al.

Defendants.

CIVIL ACTION

NO. 2:09-cv-05309-DRD-MAS

**Response to Plaintiff's  
Supplemental Statement of  
Disputed Material Facts**

Pursuant to Local Rule 56.1 Defendants Makino, Inc., Littleford Brothers, Inc., Littleford Day, Inc., and LFB Inc. (collectively, the "Makino/Littleford Defendants") by and through counsel, provide the following response to Plaintiff's Supplemental Statement of Disputed Material Facts:

22. Admitted to the extent that Plaintiff testified that he was not provided with protective devices or guards prior to or on the date of the accident. Denied to the extent that Plaintiff's supervisor, Steven Pabon, testified that nip point guards or wash up sticks were available:

Q: Okay. So before the date of his accident, how many of these wash-up sticks were in the plant?

A: One on each mill.

Q: Were they attached or were they separate from the mill?

A: Well, on some mills they had a little holder. On some mills that didn't have a holder, they would put it on the pipes right next to it.

Pabon Deposition at 19-20.

23. Admitted to the extent that Plaintiff testified that there was no protective device. Denied to the extent that Plaintiff's supervisor testified that nip point guards were available.

Pabon Deposition at 19-20.

24. Admitted to the extent that Plaintiff testified there were no warning signs on the date of the accident.
25. Admitted to the extent that Plaintiff so testified and Cocchiola opined the same.
26. Admitted to the extent that Plaintiff so testified. Denied to the extent that Plaintiff's supervisor testified that "all mill operators were trained to use a wash-up stick... that's the first thing that they tell them. When you clean the machine, you use a wash-up stick." Pabon Deposition at 21.
27. Denied.
28. Admitted to the extent that Mr. Schlichter so testified.
29. Admitted to the extent that Mr. Schlichter so testified.
30. Admitted to the extent that Mr. Schlichter so testified.
31. Admitted.
32. Admitted to the extent that Mr. Schlichter so testified.
33. Denied. Mr. Schlichter testified that prior to the accident Littleford sent instruction manuals including the OSHA standards to Union Ink that applied to ink mill number two. Schlichter Deposition at 70.
34. Admitted.
35. Admitted.
36. Admitted.
37. Admitted.
38. Admitted only to the extent that Mr. Navarrete testified that "one grabs the rags with the solvent and you just clean the rollers." Navarrete Deposition at 9.
39. Admitted.

40. Admitted.

41. Admitted.

42. Admitted.

43. Admitted.

44. Admitted.

45. Admitted.

46. Admitted.

47. Admitted.

48. Denied. Plaintiff has paraphrased Mr. Hatz's testimony, which actually was: "I have heard of incidents where people completely ignored the safety instructions that they were given, or that they were never given any safety instructions. And I have heard about incidents where people got injured in the in-running nip." Hatz Deposition at 54.

49. Admitted.

50. Denied. Mr. Hatz made did not reference the time frame in which he was aware of a manual clean up system. *See* Hatz Deposition at 69.

51. Admitted.

52. Admitted. Responding further, Mr. Hatz also testified that the ink mill had a warning placard affixed to it when it was sold to Union Ink in 1995. Hatz Deposition at 20-21, 24-26, 130-131.

53. Admitted. Responding further, Mr. Hatz also testified that when Keith Machinery did an inspection at Union Ink of machine number two in January 2007, the number two mill was not lacking a nip point guard. Hatz Deposition at 117 ("It also shows that we did do

some work on this. And that the wash-up stick is now on the mill because it's not made mention of.").

54. Admitted.

Respectfully submitted,

**SWEENEY & SHEEHAN**

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